

BOARD REPORT

STATE BOARD OF CHIROPRACTIC EXAMINERS P.O. BOX 672 JEFFERSON CITY, MO 65102 VOL. 6, NO. 1 DECEMBER, 1999

Renewal Fee Increase

At its meeting on June 3, 1999, the Missouri State Board of Chiropractic Examiners voted unanimously to approve a \$25.00 increase in the annual renewal fee. The current renewal fee is \$125.00. The new renewal fee is \$150.00.

"It was a difficult decision to raise the renewal fee," said Larry J. Lovejoy, D.C., President of the State Board of Chiropractic Examiners, "however, the Board has known for the past couple of years that we were faced with a possible renewal fee increase." Since fiscal year 1997, the Board's operational expenses have exceeded the revenue collected for the year. In fiscal year 1997, the expenses exceeded revenue by \$34,560 in fiscal year 1998, expenses exceeded revenue by \$30,793 and in fiscal year 1999 expenses exceeded revenue by \$57,796. To cover the Board's operational costs, it is estimated that the Board will need to generate approximately \$32,500 in additional revenues.

Under Section 331.070, RSMo, the Board is required to be totally self-supporting. All the salaries and expenses for the operation of the Board must be appropriated and paid from the "State Board of Chiropractic Examiners' Fund." Although the Board has instituted measures to cut costs, such as reducing staff and office space rental, there have been other expenses beyond the Board's control. These include the Board's share of the cost for the Hancock Income Tax Refund to all taxpayers. Additionally, the Board has been paying its share of a new licensing sys-

tem for the Division of Professional Registration. The current system is antiquated and is not Y2K compatible.

The renewal fee increase goes into effect December 1, 1999. The Board believes the licensee's cost savings with the new continuing education rules for 1999 will more than offset the \$25 renewal fee increase. The new continuing education rules allow a licensee to earn twelve of the twenty-four hour requirement through "other continuing education experiences." Information regarding what is considered "other continuing education experiences" was published in the Board's November 1998 Newsletter. For those licensees not receiving the November 1998 Newsletter, please contact the Board Office and ask for a copy of the amended rule, 4 CSR 70-2.080, Annual License Renewal.

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430.225.1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patent for:

(a) Damages from a tortfeasor; or

(b) Benefits from an insurance carrier;

The bill also creates a new lien law for chiropractic physicians and other health care providers. Chiropractic physicians will have the same lien rights granted to hospitals in sections 430.230 to 430.250. The complete text of the new lien law follows.

House Bill No. 343 also provides the Board with injunctive authority. If it is found that an individual is engaging in unlicensed practice activities, or if a licensed individual presents a substantial probability of serious danger to the health, safety or welfare of the public, this bill provides the Board with the authority to seek an injunction, restraining order or other order as may be appropriate to enjoin

House Bill No. 343 passed the legislature on May 14, 1999 (the last day of the legislative session), and was signed by the Governor on July 13, 1999. The bill went into effect on August 28, 1999. This bill affects many of the professional licensing boards but the changes supported by the State Board of Chiropractic Examiners include an amendment to Section 331.050 that authorizes a biennial renewal. The Board supports a biennial renewal simply because it is believed that processing renewals every other year will be more cost effective than processing renewals every year. However, this change will likely not be implemented until renewals are mailed in the year 2001 because of the time needed to implement amendments to the Board's rules. Renewal this year will still be for a one-year period (March 1, 2000 to February 28, 2001).

Legislative Update

The Board Report is an official publication of the Division of Profes-sional Registration, Missouri State Board of Chiropractic Examiners, submit articles to: MBCCE, P.O. Box 1672, Jefferson City, MO 65102.



DEPARTMENT OF ECONOMIC DEVELOPMENT
MISSOURI

URL: www.ecodev.state.mo.us/pr/chiro/

51-0/35 Fax

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Jefferson City, MO 65102

P.O. Box 672

Domna Steimetz, Executive Director
Betty Reynolds, Program Assistant
Patricia Owens, Licensing Technician
Chad Sooter, Licensing Technician

Charlotte S. Hill, Public Member
Kansas City, Missouri

DeSoto, Missouri

Washington, Missouri

Crystal City, Missouri

Kansas City, Missouri

St. Joseph, Missouri

State Board of Chiropractic Education

Randal J. Singler, Director

Department of Economic Development
Joseph L. Diskill, Director

The Honorable Mel Carnahan

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- (2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;
- (3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;
- (4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;
- (5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;
- (6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tortfeasor from whom such person seeks damages or any insurance carrier which has insured such tortfeasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitio-

ners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

- 4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tortfeasor.**
- 5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.**

Continuing Education Requirements

At its December 1999 board meeting, the board voted to change the continuing education reporting requirements. **Effective immediately**, continuing education must now be verified by the licensee on the annual renewal form. The licensee is no

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longer required to complete the continuing education report form.

The Board felt that the continuing education report form was an undue burden on the licensee and therefore approved the more simplified method of verification.

However, the licensee is still required to maintain full and complete records of all C. E. credits earned for the two (2) previous reporting periods in addition to the current reporting period. The Board may conduct an audit of licensees to verify compliance with the continuing education requirement.

Since there still appears to be some confusion regarding the categories of continuing education hours required for annual license renewal, please review the following information carefully. During the 1999 continuing education reporting period (January 1 through December 31), licensees must earn at least twenty-four hours of approved continuing education to renew by December 31, 1999. Twelve of the twenty-four hours may be hours in what the Board has defined as "other continuing education experiences". The Board defined "other continuing education experiences" in its December Board Report. We will not repeat that information in this Board Report but because of all the questions, the Board wants to say that the easiest method to earn continuing education hours through "other continuing education experiences" is through home study. Licensees can earn all twelve hours in this category by reading professional materials, such as books, journals, and/or periodicals. These hours may also be earned by watching videos or listening to tapes. The key to what is considered acceptable materials is that it must be related to the practice of chiropractic.

Another area of confusion regarding the continuing education requirements is the question of when licensees are required to begin earning hours in HIV or infectious diseases. In the 1999 reporting period, the twenty-four hours must be earned in the following categories:

- (a) Twelve hours of general (doctor's choice) or twelve hours of "other continuing education experiences";
- (b) Four hours of x-ray;
- (c) Four hours of differential or physical diagnosis; and
- (d) Four hours of emergency procedures and/or boundary training.

The Board will propose a rule change in 2000 regarding the four (4) hour requirement in emergency procedures and/or boundary training. The proposal will require four (4) hours in emergency procedures, boundary training, Human Immunodeficiency Virus (HIV) or infectious diseases. The Board felt that this change would simplify the requirements which now state that this four (4) hour C. E. requirement must alternate every third year with the HIV or infectious

Complaint Informa-

diseases.

June 30th ended fiscal year 1999. During fiscal year 1999, the Board received forty-three complaints. This number increased by five from the previous fiscal year when the Board received thirty-eight complaints. The highest number of complaints was received from patients complaining that the chiropractor misrepresented his/her fees.

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Of the forty-three complaints received, ten were strictly allegations of fraud, deception or misrepresentation in obtaining or attempting to obtain fees. Six additional complaints also contained allegations of fraud, deception or misrepresentation in obtaining or attempting to obtain fees, bringing the total number of fee complaints to sixteen of the forty-three complaints, or approximately seven percent. To avoid these type of patient complaints, the Board strongly recommends that every patient be given a fee schedule prior to the time treatment is provided, and especially new patients that are not knowledgeable of the doctor's fees. If the treatment is provided as a result of an advertised special, make sure the patient understands when the treatment for the advertised special is completed and then obtain the patient's consent before providing further treatment that is going to result in additional fees.

The number of complaints involving inappropriate conduct, or sexual misconduct, declined in fiscal year 1999 by thirty-three percent. Last year, complaints involving inappropriate conduct, or sexual misconduct, declined by twenty percent. The Board contributes this two-year decline in the number of sexual misconduct complaints to the attention focused on boundary training. The amendment to the Board's rule on Annual License Renewal that was implemented in 1998, established an additional four-hour continuing education requirement in either boundary training or emergency procedures. Many licensees elected to earn their additional four hours of continuing education in the past two years in the category of boundary training and the Board believes that the statistics prove that it has been beneficial, if for no other reason that to make licensees more aware of the problem.

Advertisements

The Board would like to remind all licensees that an advertisement or solicitation, as defined by 12 CSR 70-2.060, shall not be false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading and/or deceptive advertising shall include, but not be limited to, the following contents or omissions:

1. Any untrue statement;
2. Any matter, or presentation or arrangement of any matter, in a manner or format which is false, misleading or deceptive to the public;
3. Omission of any fact which under the circumstances makes the statement false, misleading or deceptive to the public;
4. Transmission in a manner which involves coercion, intimidation, threats or harassing conduct;
5. An attempt to attract patronage in a manner which castigates, impugns, disparages, discredits or attacks other healing arts and sciences or other chiropractic physicians;
6. Any self-laudatory statements;
7. Transmission to a person who has made known to the licensee a desire not to receive communication from the licensee; or
8. A statement or implication that a licensee is a specialist unless the licensee holds a current certificate as a specialist, issued by the Missouri State Board of Chiropractic Examiners, or unless the advertisement contains a notice that neither Missouri nor the Missouri State Board of Chiropractic Examiners reviews or approves certifying organizations or specialist designations for chiropractic physicians.



Disciplinary Ac-

Under Board Rule 4 CSR 70-2.066 (1), the Missouri State Board of Chiropractic Examiners must publish or cause to be published all disciplinary actions regarding licensees, including the name of the licensee, the license number, any terms of suspension or probation, or other disciplinary action whether by consent or order. Disciplinary actions may be published in any professional journal read by licensed chiropractors practicing in Missouri, in any newspaper of general circulation, in any newsletter published by the Board, or in any of these publications. The Board has chosen to use its newsletter to comply with the provisions of this rule. Since the printing of the Board's last newsletter in November, disciplinary action has been imposed on the following licensees.

David J. Goldberg, D.C. License No. 4927

License suspended indefinitely by Court Order on December 17, 1998, as a result of a child support enforcement action pursuant to Section 454.1008.1(4), RSMo.

Anthony R. Kirksey, D.C. License No. 3679

License suspended for a period of one year, effective December 11, 1998. All but sixty days of the suspension stayed with a three-year period of probation to run concurrent with the suspension period for violating the terms and conditions of a prior disciplinary agreement with the board.

Joseph F. Tangaro, D.C. License No. 5962

License suspended effective December 21, 1998, for a period of two years. Suspension to be followed by a three-year period of probation for violating the terms and conditions of a prior disciplinary agreement with the Board.

Ryan D. Monson, D.C. License No. 6496

On March 11, 1999, license was suspended for a period of three years followed by a five-year period of probation. The suspension shall commence on the date licensee re-establishes full time residency in Missouri. Discipline imposed for violation of Section 331.060.2(2) and (8), RSMo 1994.

Joseph C. Probst, D.C. License No. 4903

License suspended for a period of three years followed by a five-year period of probation. The suspension shall commence on the date chiropractic license is reactivated in Missouri. Discipline imposed for violation of Section 331.060.2 (2), RSMo 1994.

David Turnbull, D.C. License No. 6014

License suspended effective November 17, 1999 for one year followed by a three-year period of probation. The one-year suspension stayed on the effective date. Discipline imposed for violation of Section 331.060.2(6) and 331.060.2(7), RSMo 1994.

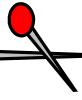
New Licensure System Implemented

On September 23, 1999, the Division of Professional Registration converted to a new licensure system called PROMO. PROMO is an acronym which stands for "Professional Registration of Missouri", and it was developed by IFMC (Iowa Foundation for Medical Care). PROMO is a software program with two components - a licensure system and complaint/investigations tracking system. Following is a brief description of the changes you will experience as a result of the new licensing system.

- **License Numbering System.** With the previous mainframe system, a license number contained the profession code followed by a 4 to 6-digit number. With PROMO, a license number will be the year of license followed by a 6-digit number. Example: 1999134178. This is a Division-wide numbering system and will allow the Division to capture valuable licensing information on a Division-wide scale. Professions that were licensed prior to September 23, 1999 will still maintain their previous license number in the format of the profession code followed by a 4-digit number.
- **New Security License Paper.** Licenses are now being printed on a new security paper. Several small State of Missouri seals appear on the reverse of both the wallet-size card and wall-hanging document. The seals are in red ink. If you rub on a seal, it will fade. If you photocopy the license or wall-hanging document, VOID will appear on the photocopy. You will also notice that the wallet-size card is laminated and both the wallet-size card and wall-hanging document are perforated for easy removal.
- **More Accessibility to Records.** The new licensure system will allow staff to search for a licensee even if the caller is not exactly sure of the spelling. The system will also allow searches by previous last names.

Since all Board and Commissions under the Division of Professional Registration share the same core business needs, it made sense to convert previous systems to one unified licensure system for the entire Division. Right now we have a lot of data in systems, with implementation of the new PROMO system we are eager to transform that data into information and then wisdom.

Division of Professional Registration
Missouri State Board of Chiropractic Examiners
PO Box 672
Jefferson City MO 65102



NEXT MEETING

The Board's next meeting will be held in March 2000. The meeting will be held at the Missouri Division of Professional Registration in Jefferson City, Missouri.

The public is invited to attend the open session of this meeting. Continuing education credits, up to two hours, can be earned by attending a State Board meeting.

An open agenda is available for public distribution approximately two weeks prior to the meeting. If interested in attending, please call the board office at 573/751-2104 for information on the exact date in March.